

Message Text

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TO AMEMBASSY ATHENS NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS: EFIS, PBOR, GR, US

SUBJECT: REPORTED SEIZURE OF GREEK FISHING VESSEL
"ATLANTIKOS II"

REF: ATHENS 6706

1. DURING THE PAST WEEK, DEPARTMENTAL OFFICERS HAVE DISCUSSED INFORMALLY THE SEIZURE OF "ATLANTIKOS II" WITH THE SHIPOWNER'S ATTORNEY IN BOSTON AND THE GREEK EMBASSY IN WASHINGTON. IN SO DOING, WE HAVE SOUGHT TO EXPLAIN THE BACKGROUND OF EARLIER SEIZURES OF FOREIGN FISHING VESSELS VIOLATING US LAW. SUMMARIZED BELOW ARE THE FACTS OF THIS CASE AS WE NOW KNOW THEM. YOU MAY DRAW UPON THIS INFORMATION IN REPLYING TO THE GREEK FOREIGN MINISTRY.

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2. US LAW PROVIDES FOR HEAVY FINES ON FOREIGN VESSELS AND

THEIR CAPTAINS FOR THE IMPROPER HANDLING OF EVEN SMALL AMOUNTS OF LOBSTER CAUGHT ON THE HIGH SEAS, BUT WITHIN OUR LEGAL JURISDICTION TO REGULATE FISHING. IN THE PAST, FINES OF ABOVE DOLS. 100,000 HAVE BEEN IMPOSED FOR FAILURE TO RETURN TO THE SEA IN A SAFE MANNER MERELY A FEW POUNDS OF LOBSTER INADVERTENTLY CAUGHT BY A VESSEL FISHING FOR OTHER FISH. FINES HAVE BEEN MUCH HEAVIER FOR EITHER REPEAT OFFENDERS OR FOR AN INTENT TO STORE LOBSTER ON

BOARD FOR SUBSEQUENT SALE.

3. IN THE SEIZURE OF "ATLANTIKOS II" THE COAST GUARD FOUND ABOUT 30 POUNDS OF LOBSTER PIECES ON BOARD. THE CAPTAIN AND CREW ADMITTED TO CATCHING A LARGER AMOUNT OF LOBSTER INADVERTENTLY AND RETAINING IT FOR CONSUMPTION BY THE CREW. THIS WAS DONE IN SPITE OF THEIR FORE-KNOWLEDGE OF US LAW FORBIDING SUCH PRACTICES.

4. IN DISCUSSION WITH STATE DEPARTMENT OFFICIALS, THE SHIPOWNER AND HIS ATTORNEY HAVE ARGUED THAT THE CAPTAIN ACTED CONTRARY TO THE OWNER'S INSTRUCTIONS TO AVOID FISHING AREAS WITH LOBSTERS. THE DEPARTMENT HAS POINTED OUT THAT, UNDER US LAW, THE SHIPOWNER IS LIABLE FOR ACTS OF HIS CAPTAIN.

5. ON JULY 2, THE CAPTAIN (OR MASTER) WAS ARRAIGNED BEFORE A US MAGISTRATE AND BOUND OVER FOR TRIAL NO SOONER THAN JULY 20. MASTER AND CREW HAVE BEEN GRANTED SHORE LEAVE IN BOSTON AREA SUBJECT TO INS APPROVAL AND REGULATIONS. THE US ATTORNEY HAS ASKED FOR A DOLS. 5,000 FINE ON THE CAPTAIN AND A DOLS. 250,000 FINE ON THE SHIPOWNERS. THE ATTORNEY FOR THE SHIPOWNERS HAS COUNTERED BY OFFERING TO PAY DOLS. 100,000.

6. DEPARTMENTAL OFFICERS HAVE EXPLAINED TO THE SHIPOWNER, HIS ATTORNEY, AND THE GREEK EMBASSY THAT THE AMOUNT OF THIS FINE IS STILL SUBJECT TO NEGOTIATION BETWEEN THE ATTORNEYS INVOLVED. WE ARE CONTINUING TO FOLLOW THIS CASE CLOSELY AND WILL BE REPORTING ANY NEW DEVELOPMENTS TO EMBASSY ATHENS. KISSINGER
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